

FILED

Case 2:18-cv-00661-RDP

U.S. DISTRICT COURT

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

Pamela Stubbs,  
Plaintiff.

vs.

Compass Bank,  
Defendant.

**Amended Hostile Work Environment Complaint**

Plaintiff, Pamela Stubbs, hereby submits its opposition to Defendant's Motion to  
Dismiss the Complaint.

COMPLAINT

I. JURISDICTION

1. The jurisdiction of court is invoked pursuant to Title VII of the Civil Rights Act of 1964 as amended. The jurisdiction of this court is invoked to secure protection for and to redress the deprivation of rights secured by 2000e providing relief against a Hostile Work Environment under the protected class of race. Plaintiff has initiated her EEOC charge and received her Notice of Right to Sue Letter. Prior to Filing this Complaint. See Exhibit A.

## II. PARTIES

2. Plaintiff Stubbs is an African American female living in Jefferson County, Alabama.

3. Defendant Compass Bank is a domestic corporation doing business in Jefferson County on the date of the events that are the basis for this complaint.

## III. FACTUAL ALLEGATIONS

### Race

4. The Plaintiff has been discriminated against because of her race in terms of work/job assignments, unwelcomed touching, and inappropriate comments.

5. Plaintiff was hired in or about November 2007.

6. An email was sent to HR during the week of 12/22/2017 concerning the behavior of her manager (Kelly Ellis) a white female and a co-worker (Jacqueline Ligon). See exhibit B.

7. Plaintiff Stubbs stated to HR Partner that she had a meeting with Kristen Metty, Kelly Ellis' manager during the month of February 2017.

8. Plaintiff Stubbs stated to Metty that Kelly Ellis was assigning more difficult cases to her which makes it very difficult or impossible to meet required departmental goals. A poor evaluation was given to the Plaintiff due to unfair work assignments on 07/17/2017 where it was stated by the Plaintiffs team lead that this

evaluation would in-turn negatively affect her raise for next year and block any available promotions. (Burlington Industries, Inc. v. Ellerth) affirming that employer is strictly liable for supervisor harassment in a tangible employment action such as failing to promote. Also ***EEOC v. McCormick & Schmick's Seafood Restaurants, Inc. and McCormick and Schmick Restaurant Corporation, No. WMN-09-cv-984 (D. Md. Sep. 12, 2014).***

alleging a pattern or practice of race discrimination against African-American job applicants by refusing to hire them for front-of-the-house positions and by denying equal work assignments because of their race.

WHEREFORE, PREMISES CONSIDERED, Plaintiff request the following relief:

1. Grant Plaintiff an order requiring Defendant to make Plaintiff whole by granting appropriate declaratory relief, compensatory and punitive damage.

Grant Plaintiff a permanent injunction enjoining Defendant, its agents, successors, employees, attorney and those acting in concert therewith from continuing to violate the civil rights laws

#### HOSTILE WORK ENVIRONMENT

9. It was also stated that Kelly constantly physically abused the Plaintiff by firmly placing her hand on the Plaintiff's shoulder as to intimidate her. The physical abuse escalated to Kelly poking the Plaintiff in the back with her fingers. This behavior was unwelcomed, offensive, humiliating, and was believed to be

done intentionally causing emotional distress and fear for her safety. On 06/26/2018 a second EEOC charge was filed #420-2018-02838. See exhibit C.

10. On 12/26/2017 Plaintiff Stubbs emailed a letter to the Office of General Counsel at Compass Bank stating that the work environment has become stressful due to a co-worker Jacqueline Ligon spreading rumors throughout the department that she has a sexually transmitted disease. This is intentional infliction of emotional distress that has harmed the Plaintiff's reputation, causing embarrassment, grief, isolation as co-workers disassociated themselves from the Plaintiff. See exhibit D.

**Trinh and Bailey v. City of Seattle**

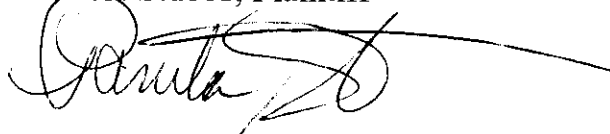
11. Although Plaintiff describes circumstances in the EEOC charge that fully reflect a Hostile Work Environment, the Plaintiff unintentionally did not check the "Other" box for Hostile Work Environment and Cat's Paw Liability.

WHEREFORE, PREMISES CONSIDERED, Plaintiff request the following relief:

1. Grant Plaintiff an order requiring Defendant to make Plaintiff whole by granting appropriate declaratory relief, compensatory and punitive damage. Grant Plaintiff a permanent injunction enjoining Defendant, its agents, successors, employees, attorney and those acting in concert therewith from continuing to violate the civil rights laws

Respectfully submitted this 14<sup>th</sup> day of December, 2018

Pamela Stubbs, Plaintiff

A handwritten signature in black ink, appearing to read 'Pamela Stubbs', with a long horizontal line extending to the right.

3317 Woodley Court

Hoover, Al 35216

205-422-8500

## EXHIBIT A

EEOC Form 3 (11/99)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC		Agency(ies) Charge No(s): 420-2018-00883
_____ and EEOC State or local Agency, if any				
Name (Indicate Mr., Mrs., Mrs.) <b>Ms. Pamela D Stubbs</b>		Home Phone 205-422-8500		Year of Birth
Street Address <b>3317 1st Street West, HOOVER, AL 35216</b>				
City, State and ZIP Code				
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)				
Name <b>COMPASS BANK</b>		No. Employees, Members		Phone No.
Street Address <b>15 20th street south, BIRMINGHAM, AL 35233</b>				
City, State and ZIP Code				
Name		No. Employees, Members		Phone No.
Street Address City, State and ZIP Code				
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)			DATE(S) DISCRIMINATION TOOK PLACE Earliest <b>02-23-2017</b> Latest <b>12-22-2017</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a black female who has worked for the above named employer for ten years. On february 23rd, 2017 I complained on my manage Kelly Ellis. I complained ot her manager Kristin Metty. I told kristen that Kelly Ellis was reassigning more difficult cases to me. This would in-turn make it more difficult to meet expected goals of 20 cases weekly and 80 cases monthly. On August 4th 2017, I had a meeting with my team lead Judy Jones. Judy stated in the meeting that I was consistently below expected monthly production goals from May until July. Judy and I went over the numbers and it was found that I did meet production from May until July. After speaking with Kelly Judy called me back into the meeting and said I am being coached for not meeting production only for the month of July. Fer Kelly Ellis there would no further changes made and time taken away from the job for a single day of vacation, holidays, sick days and meetings would not be considered. This course of action would insure failure to complete assigned work and lead to disciplinary actions including terminatin. Another incident During the month of July when I received approximately four phone calls from Tamika Wren, a HR Representative concerning my attendance. Two of the called occured while I was in the doctors office. Tamika wanted to know when I would be completing FMLA parpers per the request of Kelly Ellis. I asked Tamika how many occurances I had and she did not know. The next upon returing to work I received an email from Kelly stating that I have four occurances. We went back and forth concerning the matter and it was determined that I only had three and five occurances starts the diciplinary action process. I felt harrassed and believed this to be a form of retaliation</p>				
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.			NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.			I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Pamela Stubbs on 12-29-2017 02:36 PM EST			SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/04)

<p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To: _____ Agency(ies) Charge No(s): _____</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p> <p align="right">420-2018-00883</p>
<p align="center">_____ <i>State or local Agency, if any</i></p>	
<p>for complaining to Kelly Ellis manager. On December 22nd, 2017 I contacted HR Representative Tammy Fincher to complain about defamation of character by a co-worker with behavior being known to upper management. I told Tammy that Jacqueline Ligon a BSA Specialist and is under the management of Monica Fuquo. For several months Jacqueline has defamed my character by spreading rumors throughout the department that I have a sexually transmitted disease. Other offensive comments were stated concerning my hair, clothing, and that I am unclean. It is well known throughout the department that Jacqueline has conducted this type of behaviour in the past as it was stated to me by Keldric Williams that Jacqueline speeded rumors about him throughout the BSA department and caused co-workers to stray away from him. After hearing my complaint about Jacqueline, Tammy stated that there was not much that could be done. It is against company policy for myself and fellow employees to be subjected to such behavior. If employees of BSA/AML Department were questioned I am confidently sure that these accusations against Jacqueline Ligon will be found to be true and also that the behavior is known to management. In addition The week of December 22nd, 2017 I have been hearing rumors that I will be fired after I return from vacation which is the week of December 29th, 2017. It was said that my manager Kelly Ellis would seek to find error in my work that would result in termination. I have a right to a stress free work environment. It is unfair that my character is defamed by a co-worker and job threatened by my manager. I am seeking help to stop the rumor, harassment and retaliation.</p> <p>I believe that I have been retaliated against for engaging in protected activity in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY - When necessary for State and Local Agency Requirements</p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center">Digitally signed by Pamela Stubbs on 12-29-2017 02:36 PM EST</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

## EXHIBIT B

**More**

SGL-06157131 HR Solutions    Inbox    x

HRHELP.US@bbva.com  
to me

Hope that you're doing well today! You will need to reach out to your Talent Partner direct Tammy Fincher and she can be reached at [tammy.fincher@bbva.com](mailto:tammy.fincher@bbva.com) or directly at 205-2

DESCRIPTION: From: PAM STUBBS  
Subject: Requesting a Meeting.  
Good Morning,

**Thank You.**

3/12/2018 Invitation: Follow up meeting w/ Talent & Culture @ Thu Feb 1, 2018 1pm - 2pm (CST) (pam.stubbs@bbva.com) - pam.stubbs@bbva.com - Bbv...  
Case 2:18-cv-00661-RDP Document 28 Filed 11/19/18 Page 13 of 20

Tammy

Mail

Report Phishing

Move to Inbox

More

COMPOSE

Invitation: Follow up meeting w/ Talent &amp; Culture @ Thu Feb 1, 2018 1pm - 2pm (CST) (pam.stubbs@bbva.com)

Personal

Inbox (1)

Starred

Sent Mail

Drafts (15)

BSA (54)

Calendar

Changes and Updat...

Good Reading (55)

HR (16)

KYC Emails (14)

NSU (37)

Personal (171)

More

**TAMMY FINCHER** <tammy.fischer@bbva.com>  
to me, PATRICIA, KELLY, JUDY

Jan 31

Feb

1  
Thu

## Follow up meeting w/ Talent &amp; Culture...

View on Google Calendar

When Thu Feb 1, 2018 1pm - 2pm (CST)

Where Daniel 1E-2 /1st floor Talent &amp; Culture area

Who KELLY ELLIS, PATRICIA OSBORNE, JUDY JONES, TAMMY FINCHER\*

## Agenda

Thu Feb 1, 2018

No earlier events

1pm Follow up meeting w/ Talent &amp; Culture...

No later events

## Follow up meeting w/ Talent &amp; Culture

[more details](#)

When Thu Feb 1, 2018 1pm - 2pm Central Time

Where Daniel 1E-2 /1st floor Talent & Culture area ([map](#))Calendar [pam.stubbs@bbva.com](#)Who

- TAMMY FINCHER - organizer
- PATRICIA OSBORNE
- KELLY ELLIS
- JUDY JONES
- [pam.stubbs@bbva.com](#)

Going? [Yes](#) - [Maybe](#) - [No](#) [more options](#)Invitation from [Google Calendar](#)You are receiving this email at the account [pam.stubbs@bbva.com](#) because you are subscribed for invitations on calendar [pam.stubbs@bbva.com](#)To stop receiving these emails, please log in to [https://www.google.com/calendar](#) and change your notification settings for this calendar.Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#). [invite.ics](#) Download

11/19/2018



PAM STUBBS <pam.stubbs@bbva.com>

---

**Continued unacceptable behaviour of Kelly Ellis**

1 message

---

**PAM STUBBS** <pam.stubbs@bbva.com>

Mon, Jun 4, 2018 at 2:00 PM

To: tammy.fischer@bbva.com

Hi Tammy,

This is Pam Stubbs again writing to let you know that I am continuing to have problems with Kelly Ellis. Just a few minutes ago Kelly walked up to me and put her hand on my back. I should not have to keep telling this woman to keep her hands off of me. It has been made known that I do not want her touching me so why is she still being allowed to do it.

If she wants to get my attention she can tap on the desk or just speak a little louder but putting her hands on me is unacceptable. I just wanted to let you know before I move forward with my complaint.

Thanks

Pam

**BBVA Compass**

**Pam Stubbs**

**AML/BSA**

Tel. (205) 297-3352 - Fax (205) 524-3686 email - pam.stubbs@bbva.com

Danial Building - Birmingham, AL

Inter-Office Mailcode: AL-BI-CH-BS

## EXHIBIT C

EEOC Form 5 (11/06)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): <b>420-2018-02838</b> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) <b>Ms. Pamela D Stubbs</b>		Home Phone <b>(205) 422-8500</b>	
Street Address <b>3317 Woodley Court, HOOVER, AL 35216</b>			
City, State and ZIP Code			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>COMPASS BANK</b>		No. Employees, Members  	
Street Address <b>15 20th St South, BIRMINGHAM, AL 35233</b>		Phone No. <b>(205) 297-3000</b>	
City, State and ZIP Code		 	
Name  		No. Employees, Members  	
Street Address  		Phone No.  	
City, State and ZIP Code		 	
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest <b>02-26-2018                      05-25-2018</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p><b>I am an African American female. I have been employed for over 10 years with the above named employer. On February 26, 2018, I asked to leave work early. My request was denied. Manager Kelly Ellis informed me that it was against company policy. On May 25, 2018, Ketric Wiley (male) asked to leave work early and his request was granted. I heard Mr. Wiley say, Pam was not allowed to leave early when she asked, and Ms. Ellis replied, I don't care. I am going to make her life a living hell for the remainder of the time that I am here.</b></p> <p><b>On June 4, 2018, Ms. Ellis walked up to my desk and put her hands on me by poking me after I have previously asked her not to touch me. I emailed my HR representative, Tammy Fincher, because of the continued behavior by Ms. Ellis, which has also been reported to HR Manager Patricia Osbourne.</b></p> <p><b>I believe I am being discriminated against because of my sex (female), and retaliated against, in violation of Title VII of the Civil Rights Act of 1964, as amended.</b></p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____
Digitally signed by Pamela Stubbs on 06-26-2018 11:10 AM EDT	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

## EXHIBIT D

I am writing to complain about a stressful work environment due to Defamation of character by a co-worker with behavior being known by upper management.

Jacqueline Ligon is a BSA Specialist I and works under Monica Fuqua. For several months now Jacqueline has defamed my character by spreading rumors throughout the BSA department that I have a sexually transmitted disease. She has spread rumors outside of the office to people that we commonly know. Other offensive comments were stated concerning my hair, clothing and that I am unclean.

This is intentional infliction of emotional Distress that has harmed my reputation and caused co-workers to disassociate themselves with me.

Jacqueline Ligon has conducted this type of behavior in the past as stated to me by Keldric Williams. He stated that she spread rumors about him throughout the BSA Department which caused co-workers to stray away from him. Another incident stated to me by Antoine Welch. Jacqueline cursed his out in front of other employees grabbed her belongings and left the office.

It is against company policy for myself and fellow employees to be subjected to such behavior. If employees of the EDD, CTR, OFAC and AML Department are questioned I am confidently sure that these accusations against Jacqueline Ligon will be found to be true and also that the behavior is known to management.

I tried reporting my complaint to my talent and culture representative, Tammie Fincher. After hearing my complaint Tammie stated that there was not much that could be done. That is when I decided to send my complaint to the Office of General Counsel.

In Addition: The week of 12/22/2017 I have been hearing rumors that I will be fired after I return from vacation which is the week of 12/29/2017. It was said that my manager Kelly Ellis would seek to find error in my work that would result in termination. I have a right to a stress free work environment it is unfair that my character is defamed by a co-worker and my job threatened by management. I am seeking help from the council to make this inappropriate, unlawful behavior stop.

 12-26-2017

July 25, 2014.

in:chats

Mail

COMPOSE

Inbox (1)

Starred

Sent Mail

Drafts (76)

BSA (54)

Changes and Upd...

Good Reading (50)

HR (12)

KYC Emails (14)

NSU (31)

Personal (118)

Reviewer Comme...

Less

Important

Chats

All Mail

Spam

Chat with KELDRIC J WILLIAMS ---

little. Probably use to those a\$\$ kissers.

PAMELA D STUBBS ---

Well, Diana told me the CTR system has not been working properly for about 2 years and they are having to go back for 2 whole years to review work. 11:01 AM

KELDRIC J WILLIAMS ---

The two years i've been here no one would talk to me for at least a year and a half other than miserable jackie. She just wanted dirt she could tell about me though. This is a stiff group.

PAMELA D STUBBS ---

I know. But, I can handle that. I don't like people in my business anyway. I just don't want to move :(

KELDRIC J WILLIAMS ---

You don't have to move. IF you are asked to help and you accept then let them know its only until they catch up or ask for a time frame. I don't want people in my business either especially as much as some of these people whisper in here. If anyone ever spoke or talked to me jackie would start rumors that i was up to something. She even got alot of people avoiding or being chitty

Open chat